

GIG HARBOR CITY COUNCIL MEETING

APRIL 12, 1993

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

APRIL 12, 1993

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

Port of Seattle SEATAC Survey Results.

OLD BUSINESS:

Approval of Employee Job Descriptions.

NEW BUSINESS:

1. Reversible Lane/HOV Lane - Highway 16 - Presentation by WSDOT.
2. Resolution - Seaview Place Final Plat - John Jaquith.
3. Resolution - Harbor Summit PUD Final - Gordon Rush.
4. Request for Time Extension - SPR 89-13 Gig Harbor Hotel - Dennis Davenport.
5. Appeal of Hearing Examiner Decision - VAR 93-01 Lovrovich.
6. Contract Award - Construction of Retaining Wall.
7. First Reading - Ordinance to Revise Construction Inspection Fees.
8. First Reading - Budget Amendment Ordinance.
9. Liquor License Application - Gig Harbor Texaco.

DEPARTMENT MANAGERS' REPORTS:

1. Chief Richards.
2. Ben Yazici, Public Works Director.

MAYOR'S REPORT:

Historical Element - Design Considerations - Comp Plan Update.

ANNOUNCEMENT OF OTHER MEETINGS:

Historical Options - Wednesday 1:30, City Hall Conference Room, with Mike Cooley, Airyang Pak, and Linda Clifford.

APPROVAL OF BILLS:

Warrants #10337 through #10454, less #10335 & 10336, used as a test pattern, in the amount of \$579,619.78.

PAYROLL:

Warrants #8240 through #8348 in the amount of \$153,422.02

EXECUTIVE SESSION: None scheduled.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF MARCH 22, 1993

PRESENT: Councilmembers English, Platt, Stevens-Taylor, Frisbie, Markovich, and Mayor Wilbert.

PUBLIC COMMENT:

1. Jim Boge - 6606 Soundview Drive. Mr. Boge shared that he and Alma felt hurt and misled regarding which utilities he understood would be undergrounding their lines on Soundview Drive.

Ben Yazici said that the city had provided a trench, and the individual utility companies had laid their own conduit and eventually, when the lifespan of the existing lines expired, the lines would be put into the conduit, in approximately 10 - 15 years. Councilmen Frisbie and English added that they had attended the hearings and understood the undergrounding of utilities would occur just as Ben explained.

CALL TO ORDER: 7:10 p.m.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the meeting of March 8, 1993.
English/Stevens-Taylor - unanimously approved, with Councilman Markovich abstaining.

CORRESPONDENCE:

1. Mayor Norm Rice - "Opportunities for Change" Noel House. Mayor Wilbert gave a brief presentation of this letter regarding a block grant, and asked if any councilmembers would be interested in attending the celebration, and if not, she'd send her regrets and congratulations.
2. Peninsula Light Co. - Temporary FCC Licensing. Mayor Wilbert briefly presented this letter thanking the city for their support in their efforts with FCC licensing requirements.
3. PAA - Annual Fund Drive. Mayor also presented the application from Peninsula Athletic Association for fundraising.
4. Senator Bob Oke - Senate Bill 5230 Extending Growth Management Deadlines. Mayor gave a brief explanation of this letter for their approval.
5. WSDOT - Narrows Bridge Environmental Impact Statement. Mayor Wilbert introduced the letter from the WSDOT regarding the EIS for the Narrows Bridge.

6. County Executive Doug Sutherland - Human Service Roundtable. Mayor Wilbert explained that Mr. Sutherland was beginning to formulate his management plan for the County. She spoke of her interest in the process and added that Councilmember Jeanne Stevens-Taylor offered to serve on this Roundtable to address human services.

OLD BUSINESS:

1. Utility Extension Capacity Agreement - Talmo, Inc.

Councilmember Stevens-Taylor left council chambers at this point.

Mark Hoppen presented and explained the contract. He asked for a recommendation for language in section six to read "annual budget depreciation". Councilman English voiced concerns regarding extending service to the borders next to an area without a land use proposal. Mr. Hoppen clarified that these properties have been assessed as part of ULID #2 and that they should be able to hook-up as long as their land use was consonant with our policy for hooking up.

MOTION: Move for approval of contract with change to language in section six to read "annual budget depreciation".
Frisbie/Markovich - unanimously passed.

Councilmember Stevens-Taylor rejoined council at this time.

2. Approval of Employee Job Descriptions.

Mark Hoppen mentioned that a copy of the descriptions with Councilman Frisbie's recommendations was on the table before council, and asked for any further recommendations. Councilman English said he had some suggestions, and Mr. Hoppen asked him to submit these suggestions and added they would be incorporated, then brought back in final form at the next council meeting.

No action required.

NEW BUSINESS:

1. Presentation by Gig Harbor Fisherman's Civic Club Women's Auxiliary and The Fortnightly Federated Women's Club - Bleacher Donation.

Mr. Hoppen presented the donation from these women's clubs to council and explained the project for placement of bleachers at the baseball diamond at City Park. Mayor Wilbert introduced the representatives from each club. Clara Forbush, from the GGWC, and Pat Jerkovich, Pauline Lovrovich, and Marie Jurlin, representing GHFCCW. Mayor Wilbert then extended a thank you from the city for the monetary gift of \$1,112, the amount needed to cover the cost of the bleachers.

2. Request for Time Extension - SPR 92-02 Rose Sehmel.

Ray Gilmore presented the request for a one year extension of this site plan review for the property located on the corner of Skansie and Rosedale. The RB-2 designation

finally became effective April of 1991. He went on to explain if an extension were granted, the setbacks would not be consistent with zoning requirements currently in effect, and described the difference. He answered several questions from council in regards to buffering. He explained if the time extension were denied, the applicant would be required to resubmit for site plan review, placing the property under current zoning regulations.

MOTION: To deny request for time extension.
Markovich/Stevens-Taylor - unanimously passed.

3. Resolution for Increase in Dog License Fees.

Mr. Hoppen presented the resolution and explained the need for increasing annual licensing fees to seven dollars to help cover city costs, and to encourage citizens to have their pets altered, raising fees for unaltered dogs to seventeen dollars. The license fee is renewable each January.

MOTION: Move to accept Resolution 375 allowing an increase in pet license fees.
English/Platt

Councilmember Stevens-Taylor voiced her concerns that senior citizens would be penalized and that pets are such an important part of their lives. She suggested that fees remain at five dollars for senior citizens with altered dogs.

AMENDED MOTION: Move to accept Resolution 375 with additional language placing fees for altered dogs belonging to citizens 65 years and older to remain at five dollars.
Stevens-Taylor/Frisbie - unanimously passed.

DEPARTMENT MANAGERS' REPORTS: No reports given.

MAYOR'S REPORT: No report given.

ANNOUNCEMENTS OF OTHER MEETINGS: No announcements were made.

APPROVAL OF BILLS:

MOTION: To approve warrants #10271 through #10328, less #10274 through #10276, in the amount of \$64,101.11.
Platt/English - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to go into Executive Session at 8:45 p.m. to discuss two claims, for approximately ten minutes.
Stevens-Taylor/English - unanimously passed

MOTION: To return to regular session.
Frisbie/English - unanimously passed.

MOTION: Move we approve city to pay the claim for Brett A. Purtzer, without an admission of liability, for the sum of \$300.

ADJOURN:

MOTION: To adjourn at 9:00 p.m.
Stevens-Taylor/English - unanimously approved.

Cassette recorder utilized.
Tape 304 Side A: 404 - end.
Tape 304 Side B: 000 - 123.

Mayor

City Administrator



Port of Seattle

RECEIVED

MAR 26 1993

CITY OF GIG HARBOR

March 25, 1993

Dear Regional Council Member:

The Port of Seattle earlier this year commissioned Northwest pollster Tim Hibbitts to do a survey of the attitudes of King County voters about the Port and to gauge their feeling about our plans and activities. Questions about aviation and marine issues were asked of 502 King County registered voters between January 19 and 25.

Of particular interest, those surveyed expressed strong support for addressing the region's need for additional air capacity -- and for development of a third runway at Seattle-Tacoma International Airport. Among the key findings were:

- * 67 percent supported building an additional runway at Sea-Tac.
- * 96 percent agreed that having good quality airport facilities was vital to the economic health of the Seattle area.
- * 85 percent agreed that we need to develop additional airport capacity.
- * 75 percent agreed that it makes sense to expand existing airports, rather than build new ones.
- * 70 percent disagreed that we have had enough growth in the Seattle area and we should not build or expand our airport facilities any more.

King County residents have a clear interest in having their elected officials respond to our need for additional air capacity. While difficult decisions must be made, there is strong support for having these issues resolved.

I hope this information will be useful to you as you consider the air capacity issue. Should you like a copy of the survey, please don't hesitate to let me know.

Sincerely,

A handwritten signature in cursive script that reads "Gary Grant".

Gary Grant, President
Port Commission

P.O. Box 1209
Seattle, WA 98111 U.S.A.
(206) 728-3000
TELEX 703433
FAX (206) 728-3252





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: HOV/TRANSIT PLAN PRESENTATION
DATE: APRIL 2, 1993


Ms. Paula Hammond from the Department of Transportation and Ms. Rita Brogan of Pacific Rim Resources will provide a brief review of the final assessment of the Department of Transportation study of the traffic corridor from Purdy to I-5. Their review will explain recommendations regarding HOV lanes, phasing of improvements, and reversible lane planning for the bridge during peak hours. Their analysis of the potential traffic back-ups awaiting future commuters, if no action is taken, is interesting.

Their presentation should last about 15 minutes.



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3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: April 7, 1993
SUBJ.: Final Plat -- SUB 90-04 (Sea View Place, John Jaquith)

=====

Attached for your consideration is the final plat for SUB 90-04 (Seaview Place). The preliminary plat was approved by the Council in December of 1990. Improvements as required by the Subdivision Ordinance have been installed to City standards and the final plat is consistent with the conditions of preliminary plat approval.

**CITY OF GIG HARBOR
RESOLUTION No. ____**

WHEREAS, John Jaquith has submitted a final plat for consideration of approval by the City Council for SUB 90-04 (Sea View Place); and,

WHEREAS, the Gig Harbor City Council granted preliminary plat approval per Resolution #299 to SUB 90-04 on December 10, 1990, subject to 12 conditions of approval; and,

WHEREAS, a final plat has been reviewed by the City staff for compliance with the requirements of the City Subdivision Ordinance (Title 16 of the Gig Harbor Municipal Code), the policies and standards of the Public Works Department respective to required infrastructure improvements (road, sewer, water) and the conditions of preliminary plat approval per Resolution #299; and,

WHEREAS, the City of Gig Harbor staff find that the proposed final plat and improvements as required are in compliance with the applicable City of Gig Harbor codes, the conditions of preliminary plat approval per Resolution #299 and the City of Gig Harbor Comprehensive Plan of 1986.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for SUB 90-04 be accepted and approved by the City of Gig Harbor City Council.

PASSED this 12th day of April, 1993.

Gretchen A Wilbert, Mayor

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/7/93
Passed by City Council: 4/12/93

CITY OF GIG HARBOR

RESOLUTION # 299

WHEREAS, Mr. Leslie Skelly has requested preliminary plat and site plan approval for a 14 lot subdivision for single family residences; and

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans and other land use issues; and

WHEREAS, the Planning Director for the City of Gig Harbor has recommended conditional approval of the project, SUB 90-04, in a staff report dated July 26, 1990; and

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on this proposal at a regular meeting of August 15, 1990; and

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of SUB 90-04 in his report dated November, 1990.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendation of the hearing examiner in his report dated November, 1990 is adopted and the request for preliminary plat approval is granted, subject to the following conditions:

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
 - A. Fire equipment access must be provided by a twenty four foot wide all weather road, with a 45 foot minimum radius for cul-de-sacs.
 - B. Fire hydrants and eight-inch water mains shall be provided within 300 feet of all portions of each lot, along Soundview Drive at 600 foot centers and at the entrance to the subdivision.

C. Fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide.

D. The private road designation must have a "Lane" designation as opposed to "Court"; Seaview Place must be revised to Seaview Court.

2. The applicant shall either widen Soundview Drive adjacent to the project in accordance with the ongoing improvement of Soundview Drive or shall pay its fair share to the city as follows:
 - A. The Soundview Drive Project proposes to remove and replace existing pavement, to widen the roadway to three lanes, to construct curbs, gutters and sidewalks on both sides of the street with an enclosed storm drainage system. The exact details of the improvements have yet to be determined by the City Council.
 - B. The applicant's fair share is calculated as \$29,437 based upon the following factors:
 1. The Seaview Estates project has 272 feet of frontage along Soundview Drive;
 2. The total improvement cost of Soundview Drive is \$1,360,000; and
 3. The total length of the Soundview Drive project is 1.19 miles.

The property owner shall participate, on a fair share basis, in any future L.I.D. on Soundview Drive, should it occur.

3. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to final plat approval.
4. A clearing and grading permit shall be required prior to any site clearing or construction. The application for a clearing and grading permit

shall include provisions for temporary erosion control and dust abatement.


5. Sidewalks, curbs and gutters shall be constructed along all lot frontage within the subdivision and along that portion fronting Soundview Drive prior to final plat approval.
6. All lots must have a minimum lot size of 12,000 square feet, excluding rights-of-way (public or private).
7. The required minimum yards shall be designated on the final plat.
8. Pursuant to R.C.W. 58.17.140, a final plat for the subdivision shall be filed within three (3) years of the preliminary approval date.
9. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
10. An assignment of funds equal to 110% of a contractors bid for all improvements required under the preliminary plat approval shall be posted prior to issuance of any construction permits for the project. Upon satisfactory completion of all improvements as required, the City of Gig Harbor will release the assignment of funds.
11. In required yard areas abutting the north, south and west perimeters of the subdivision site, and the east perimeter and Soundview Drive right-of-way, all significant trees with a diameter of eight (8) inches or larger (as measured at a height five feet above the existing natural grade) shall be retained. Wherever such trees would be adversely impacted by grading, filling or other construction necessary to the completion of the subdivision, they shall be protected by appropriate measures. A survey of such trees on the entire site shall be completed and those to be retained shall be flagged in the filed for review and approval by the City prior to the issuance of a clearing and grading permit.

The developer shall preserve a majority of the smaller trees and native shrubs in these perimeter yard areas. Nothing in this condition shall be construed as requiring the planting of trees where none presently exist; however, this is encouraged. The developer shall also make an effort to preserve significant trees in other yard areas not abutting the north, south, east and west perimeters of the site.

PASSED this 10th day of December, 1990.


Gretchen Wilbert, Mayor

ATTEST:



Mike Wilson
City Administrator/Clerk

Filed with city clerk: 12/07/90
Passed by city council: 12/10/90



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GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: Mayor Wilbert and City Council
FROM: *RB* Ray Gilmore
DATE: April 7, 1993
SUBJ.: Final Plat -- PUD 91-01 (Harbor Summit, Gordon Rush)

=====

Attached for your consideration is the final plat and landscape plan for PUD 91-01 (Harbor Summit). The preliminary plat was approved by the Council in February of 1992. Improvements as required by the Zoning Ordinance (Planned Unit Development, Section 17.90) and the Subdivision Ordinance have been installed as approved and the final plat is consistent with the conditions of preliminary plat approval. A landscape plan which meets (and exceeds) the minimum requirements of the landscaping section (Section 17.78) of the zoning code is submitted to the Council for approval.

**CITY OF GIG HARBOR
RESOLUTION No. ____**

WHEREAS, Gordon Rush has submitted a final plat for consideration of approval by the City Council for PUD 91-01 (Harbor Summit); and,

WHEREAS, the Gig Harbor City Council granted preliminary plat approval per Resolution #346 to PUD 91-01 on February 10, 1992, subject to ten conditions of approval; and,

WHEREAS, a final plat has been reviewed by the City staff for compliance with the requirements of the City Subdivision Ordinance (Title 16 of the Gig Harbor Municipal Code) and Zoning Ordinance (Planned Unit Development, Title 17.90) and the conditions of preliminary plat approval per Resolution #346; and,

WHEREAS, the City of Gig Harbor staff find that the proposed final plat and improvements as required are in compliance with the applicable City of Gig Harbor codes, the conditions of preliminary plat approval per Resolution #346 and the City of Gig Harbor Comprehensive Plan of 1986.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for PUD 91-01 be accepted and approved by the City of Gig Harbor City Council.

PASSED this 12th day of April, 1993.

Gretchen A Wilbert, Mayor

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/7/93
Passed by City Council: 4/12/93

CITY OF GIG HARBOR
RESOLUTION No. 346

WHEREAS, Gordon Rush (Rush Construction) has requested preliminary approval of a forty-three (43) lot single family residential subdivision as a planned unit development consisting of twenty-one (21), zero lot-line detached dwellings and twenty-two (22), attached townhouse-style single family dwellings on 5.39 acres situated south of Hunt Street and West of SR-16; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of planned unit development subdivisions; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated November 13, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner (Pro-tem) conducted a public hearing on the application on November 20, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner (Pro-tem) has made specific findings and conclusions and has recommended denial of the application in his report dated December 9, 1991; and,

WHEREAS, the applicant, through his agent Geoff Moore of PAC-Tech Engineering and Development Services, filed a timely request for reconsideration of the Examiner's decision in a request dated December 19, 1991; and,

WHEREAS, the Hearing Examiner (Pro-tem), in consideration of the request filed by Mr. Moore, including exhibits, has made specific findings and conclusions in his report dated January 6, 1992, and which affirms the Examiner's original decision of denial of the application; and,

WHEREAS, the Gig Harbor City Council has reviewed the record of the Hearing Examiner (Pro-tem) and has concluded that the analysis and recommendation of the Planning Department is valid and appropriate for this specific application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his reports dated December 9, 1991 and January 6, 1992 are hereby REVERSED and the findings, conclusions and recommendations of the planning staff report of November 13, 1991, is adopted and the application for a Planned Unit Development Subdivision and preliminary plat is granted, subject to the following conditions:

1. The requirements of the Gig Harbor Fire Code must be provided as follows:
 - A. Fire equipment access must be provided by a twenty eight foot wide paved road. Parking shall not be permitted on one side of the street and this area shall be clearly delineated as "No Parking, Fire Lane" in accordance with the standards established by the Fire District.
 - B. Fire hydrants and eight-inch water mains shall be provided within 150 feet of all portions of each building.
 - C. Fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide.
 - D. The private road designation must have a "Lane" designation as opposed to "Circle".

2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to final plat approval.
3. Water and sewer lines must be separated by ten (10) feet of horizontal separation. Final detailed plans for stormwater retention, sewer and water, as prepared by a licensed engineer (Washington State) shall be required for review and approval prior to final plat approval. All required improvements shall be installed in accordance with the approved plans.
4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are to be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. Maintenance of all privately owned common facilities within the subdivision shall be the responsibility of the developer of the subdivision or a home owners association. If common facilities are to be maintained by a home owners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
 - A. The enforcement of covenants imposed by the landowner or developer.
 - B. The levying and collection of assessments against all lots to accomplish the


- association's responsibilities.
 - C. The collection of delinquent assessments through the courts.
 - D. The letting of contracts to build, maintain and manage common facilities.
6. Based upon the traffic study prepared by Christopher Brown and Associates (October 18, 1991) for this project, the project proponent shall coordinate with the Washington Department of Transportation in participating on a fair share basis for necessary improvements to enhance the "F" level of service condition on the SR-16 eastbound/Pioneer Way intersection. Prior to final plat approval, the applicant shall provide written verification from the Department of Transportation that this condition has been satisfied.
 7. Pursuant to R.C.W. 58.17.140, a final plat for the subdivision shall be filed within three (3) years of the preliminary approval date.
 8. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
 9. A final landscaping plan for the common areas within the plat shall be submitted to the Planning Department prior to finalization of the plat. The plan shall include provisions for a mechanical irrigation system. Landscaping shall be installed within one year of final plat approval.
 10. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of a contractors bid for all improvements required under the preliminary plat approval shall be posted with the city. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing

of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements within the time specified to City standards shall result in the city's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.

PASSED this 10th day of February, 1992.


Gretchen A. Wilbert, Mayor

ATTEST:


Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: 1/23/92
Passed by City Council: 2/10/92



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: City Council
FROM: Planning Staff
DATE: April 12, 1993
RE: SPR 89-13 -- Hotel site plan extension request

=====
Mr. Dennis Davenport is requesting an extension of the hotel site plan approved for the corner of Erickson Street and Kimball Drive. The site plan was originally approved March 26, 1990 but due to financing problems, Mr. Davenport was unable to begin construction within the two year time frame. In 1992, he requested a one year extension which moved his deadline up to April 26, 1993. While Mr. Davenport believes he is close to taking out permits on the hotel, he is unable to meet the April 26th deadline. He is therefore requesting an additional 90 day extension.

Site plan extensions are typically granted only upon showing that circumstances have remained essentially unchanged since a project's original approval. In the case of the hotel, there have been some changes in the code which the Council should be aware of. These are outlined as follows:

1. Setbacks. The front yard setback in the B-2 zone has been changed from 10 feet to 20 feet. This affects the required perimeter buffer area which should be landscaped the full depth of the setback area.
2. Buffer area. Where development is contiguous to residential development or a residential zoning district, the code requires that the full width of the perimeter area be landscaped with dense vegetative screening. This would require a 20 foot buffer against the Harbor Heights Elementary School while the Hotel plan indicates a 10 foot buffer area. The Council may want to consider the likelihood of the school site being developed as residential.
3. Parking. The parking requirements for hotels has changed from 1 space per room to 1 1/4 spaces per room. The reason for

this change is not clear. The Staff assumes that the additional parking requirement is to account for uses typically associated with a hotel such as restaurants and meeting rooms and that independent parking standards do not apply. It is anticipated that uses associated with a hotel would be used by hotel guests and that some shared parking will result. If this was the intent of the revised parking requirements, then the hotel site plan provides more than enough parking to meet current standards.

In summary, there have been some significant code changes since the original site plan approval. However, it should be noted that these changes were made before the site plan extension was granted to Mr. Davenport last year. In this sense, there have been no significant changes since the last review of this project.

DENNIS DAVENPORT
7501 Artondale Dr. NW
Gig Harbor, WA 98335
(206)851-8527

RECEIVED
MAR 17 1993
CITY OF GIG HARBOR

March 17, 1993

City of Gig Harbor
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98335

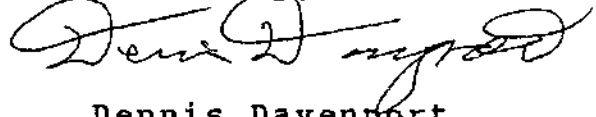
Dear Mayor/City Counsel,

After three plus years of developing the proposed Hotel SPR 89-13 and encountering a few setbacks, I'm now in preparation for application of a building permit.

I presently have a dead line of 4-26-93 which is considerable, but tight. I would feel more comfortable if you could grant a 90 day extension from the deadline date of 4-26-93. This is a worthy project to this great city!

I thank you for your considertion in this matter.

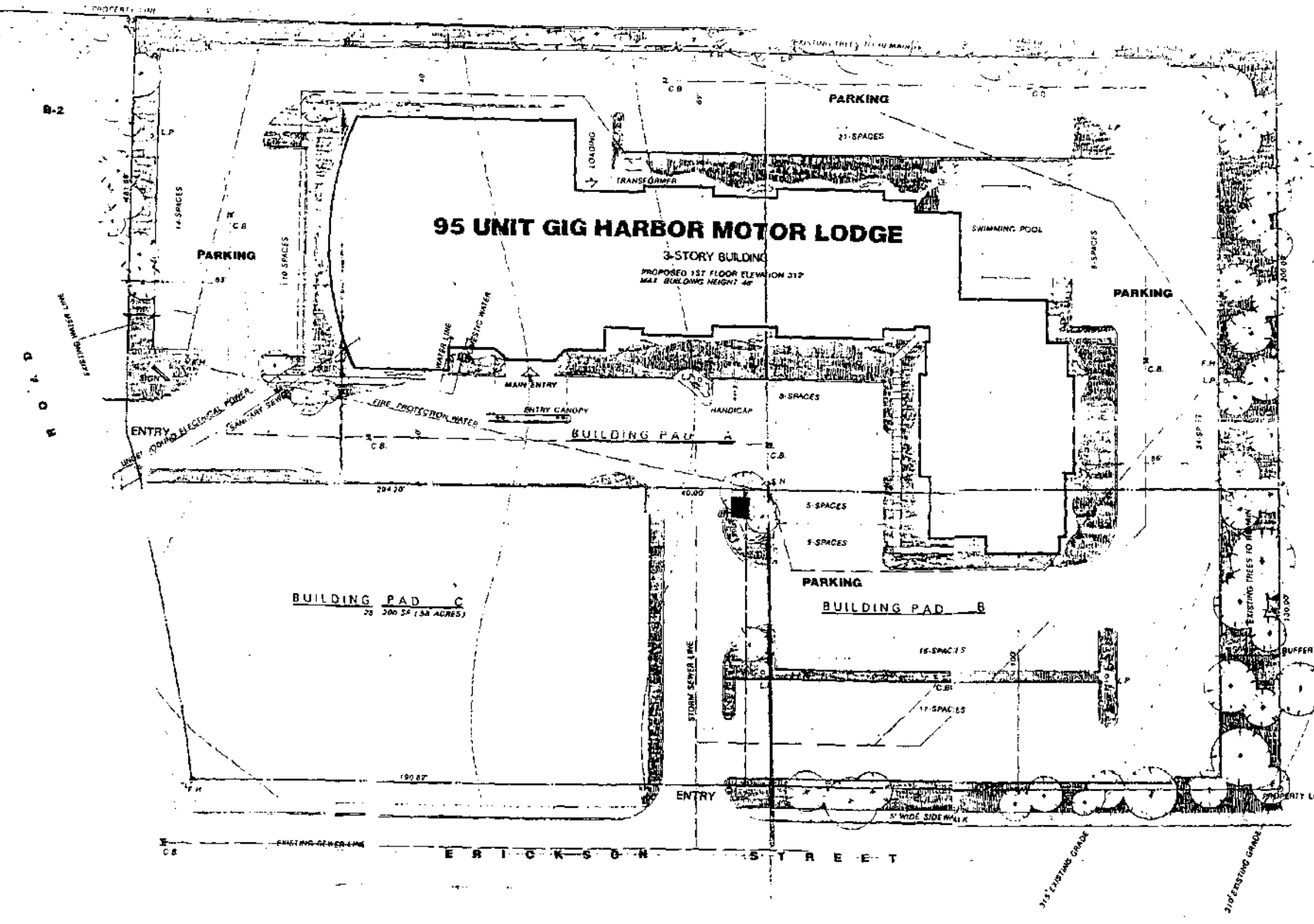
Sincerely,



Dennis Davenport

DD/db

RECEIVED
MAR 17 1993
CITY OF GIG HARBOR



95 UNIT GIG HARBOR MOTOR LODGE

3-STORY BUILDING
 PROPOSED 1ST FLOOR ELEVATION 312'
 MAX. BUILDING HEIGHT 46'

BUILDING PAD C
 20 200 SF (50 ACRES)

R-3

BUILDING DATA

OCCUPANCY	RF-02
TYPE OF CONSTRUCTION	V 1MR
NO. OF STORIES	3
BUILDING HEIGHT	46'
CURRENT ZONING	R-3

SITE DATA

TOTAL SITE AREA	133,400 SF
BUILDING PADS A+B	37,547 SF
TOTAL FLOOR AREA	84,948 SF
TOTAL IMPERVIOUS COVER	97,450 SF
TOTAL PERVIOUS SURFACE	38,910 SF

PARKING

85 LODGING UNITS	125
5,500 SF OF RESTAURANT & MEETINGS AREA	125
15 EMPLOYEES	125

TOTAL PARKING PROVIDED 125

LANDSCAPE LEGEND

SHRUBS	(Symbol)
NEW TREES	(Symbol)
LAWN	(Symbol)

N
 SCALE 1/4" = 1'-0"

B-2

SNODGRASS FREEMAN ASSOCIATES,



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: City Council
FROM: Planning Staff
DATE: April 12, 1993
RE: VAR - 93-01 -- Appeal of Hearing Examiner's decision to deny variance from curbs, gutters and sidewalk requirement

=====
An appeal has been file by George and Pauline Lovrovich regarding the Hearing Examiner's decision to deny a variance from the City's curbs, gutters, and sidewalk requirement for short platted property. The Lovrovich's received preliminary short plat approval for their property on Chinook Avenue in 1990 subject to conditions, including the requirement that curbs, gutters, and sidewalks be installed prior to final plat approval.

At the time of final short plat approval, however, the Lovrovich's petitioned the City to not require said improvements due, in part, to the limited depth of the property. Because their request could not be approved administratively, and was not received within 14 days of the preliminary plat approval, the Lovrovich's reapplied for short plat approval in conjunction with a variance application relieving them from the sidewalk, curbs, and gutter requirement.

Attached are the Staff and Hearing Examiner's reports and also a statement of appeal from the Lovrovich's.

RECEIVED

MAR 19 1993

CITY OF GIG HARBOR

March 18, 1993

TO: GIG HARBOR PLANNING DIRECTOR
GIG HARBOR CITY COUNCIL

RE: VAR 93-01 --Hearing Examiner's decision

We, the undersigned, hereby appeal the Hearing Examiner's Decision, denying our request for a variance from Section 16-40,130 of the city's short subdivision ordinance which requires curbs, sidewalks and gutters .

We feel the hearing examiner's decision is unjust for the following reasons. The situation has special circumstances involved, such as; the sidewalks would be very close to the front of the house because of the shallow lot depth, whereby we have obtained a front yard set-back variance at an earlier hearing.

The requirement of curbs, gutters, sidewalks along a dirt road certainly seems to call for some serious and special consideration.

Furthermore, the requirement of sidewalks in the utilities right-of-way would be an obstacle for any construction or future maintenance.

We appreciate your attention to this matter. Thank you.

Sincerely,

Gary and Laura Lovrovich

George and Pauline Lovrovich

Gary Lovrovich *Laura Lovrovich*
George Lovrovich
Pauline Lovrovich

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS CONCLUSIONS AND DECISION

APPLICANT: Pauline & George Lovrovich
CASE NO.: VAR 93-01
LOCATION: Chinook Avenue - Assessor Parcel #02-21-08-02-172
APPLICATION: Request for a variance from Section 16.40.130 of the City's Short Subdivision ordinance which requires curbs, sidewalks and gutters for short subdivisions.

SUMMARY OF RECOMMENDATION AND DECISION:

Planning Staff Recommendation: Deny
Hearing Examiner Decision: Deny

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Lovrovich application was opened at 5:20 pm, February 17, 1993, in the City of Gig Harbor, Washington, and closed at 5:52 pm, for oral testimony. The hearing was kept open administratively to February 24, 1993, to allow staff time to research files to see if the Short Plat requirements had changed after the applicants had submitted their application.

Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

A. The information contained on pages 1 to 5 of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

B. City Staff reviewed the Community Development Department Staff Report (Exhibit A) at the hearing.

C. The applicant's son, Gary Lovrovich, testified that the public street ends at the installed. He also indicated that even if sidewalks were built on Chinook Avenue, Spring Street and Tyee Street, they would still not connect to any other sidewalk because there is no sidewalk on Rosedale either. He said he would agree to put a sidewalk in if there were sidewalks to connect to.

He also pointed out that the house he is building on the property is the only house which would be served by 450 feet of sidewalk. He did not think the neighbors would be willing to support a local Improvement District to build sidewalks and he said foot traffic in the neighborhood is minimal.

He said he understood the sidewalk would be located in the right-of-way, but he felt it would still be located very close to the front of his new house due to the shallow lot depth. He pointed out that he had obtained a front yard setback variance at an earlier hearing because of the shallow lot depth.

He finished his testimony by saying that he thought the rules had changed since the application was first submitted and he said when the application for a short subdivision was first required.

D. Jack Bujacich said he felt the ordinance was not being applied consistently throughout the City. He pointed out instances in which City funds were used to construct sidewalks. He also pointed out that the property across Chinook Avenue from the subject property was subdivided and no sidewalks were required even though they had deep lots. He said on the Lovrovich property any new houses which may be built will need to have setback variances due to the shallow lots. He also said if sidewalks are required they will go nowhere.

E. Two neighboring property owners, Elmer and Jerry Ackerman testified at the hearing that they thought the required improvements should be installed by the Lovrovich's. They said they installed the improvements which were required when their property was developed, and they would not be in favor of supporting a Local Improvement District to make any future improvements on Chinook Avenue.

Mr. Ackerman also submitted a letter signed by himself and Mattie Shulich which also said the Lovrovich's should install the services in question in accordance with the rules and regulations set forth by the City of Gig Harbor (Exhibit B). The letter also indicated the Authors of the letter did not wish to participate in any future Local Improvement District pertaining to items that would be waived by this variance.

F. An adjacent property owner, Dee Dee Babich said she could not see any reason for sidewalks. She said the street is narrow and the lots on that side of the street are also narrow. She submitted photographs of the street to prove her point (Exhibit C).

G. The hearing was held open administratively to allow staff time to determine if the requirement for curbs, gutters, and sidewalks was a new requirement for Short Plat approval. Staff responded in writing (Exhibit D). The memo from staff indicated the requirement for curbs, gutters and sidewalks has remained essentially the same since the Lovrovich's original Short Plat application. The memo concluded by indicating that the subject application is a new application which should be reviewed under current code requirements.

Attached to the memo were the Conditions of Final Plat Approval for the original Lovrovich application which in part stated that "Sidewalks, curbs and gutters shall be installed along the property Frontage on Chinook Avenue prior to final plat approval."

II. CONCLUSIONS:

A. The conclusions prepared by the Planning Staff and contained on pages 5 and 6 of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference are adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

B. It is clear that there were no substantive changes in the short plat ordinance regarding the provision of curbs, gutters and sidewalks between the first and second applications for a short plat of the subject property. The application being considered at this time is a new application which must be reviewed against the current code which requires curbs, gutters and sidewalks unless a variance is granted.

C. The Quit Claim Deed granted by Mrs. Babich (attached to Exhibit D) conveyed the 10 feet of property to the City of Gig Harbor for street and utility purposes. Curbs, gutters and sidewalks are common street improvements which are provided within a city. In this case, they would be located on the 10 foot wide strip of property conveyed by Mrs. Babich.

D. The applicants make a good point that the required improvements would not connect to other similar improvements. In this case, that appears to be the central issue. There are not special circumstances, such as steep slopes, which would preclude the installation of the improvements. However, a review of subject property and the surrounding area does support the applicant's contention that the improvements would probably be isolated improvements for some time to come. That is not enough of a justification to warrant approval of the variance. before a variance can be granted, the application must meet all of the adopted criteria.

This is the first application of a relatively new requirement in an established neighborhood. there are any number of potentially similar situations in Gig Harbor where curbs, gutters and sidewalks will be a requirement for approval of a subdivision and there will be no similar adjacent improvements. Therefore, approval of this variance could be seen as establishing a precedent for similar variances in the future.

III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested variance is denied.

Dated this 10th day of March, 1993.



Ron McConnell
Hearing Examiner

RECONSIDERATION:

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

APPEAL OF EXAMINER'S DECISION:

Any party who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Gig Harbor Planning Director within fourteen (14) days from the date the final decision of the Examiner is rendered, requesting a review of such decision.

Such appeal shall be upon the record, established and made at the hearing held by the Examiner. Whenever a decision of the Examiner is reviewed by the City Council pursuant to this section, other parties of record may submit written memoranda in support of their position. In addition, the Council shall allow each side no more than fifteen minutes of oral presentation. However, no new evidence or testimony shall be presented to the oral presentation. The City Council shall accept, modify or reject any findings or conclusions, or remand the decisions of the Examiner for conclusions, or remand the decisions of the Examiner for further hearing; provided that any decision of the City Council shall be based on the record of the hearing conducted by the Examiner; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion.

Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a review shall be held by the City Council. Such review shall be held in accordance with appeal procedures adopted by the City Council by resolution. If the Examiner has recommended approval of the proposal, such recommendation shall be considered by the City Council at the same time as the consideration of the appeal.

Further action by the Examiner shall be within thirty (30) days of the reconsideration request.

MINUTES OF THE HEARING
ON THE
FEBRUARY 17, 1993
LOVROVICH APPLICATION

Ronald L. McConnell was the hearing examiner for this matter. Participating in the hearing was: Steve Osguthorpe, representing the City of Gig Harbor; Gary Lovrovich, speaking for the applicant; Jack Bujacich and Dee Dee Babich speaking in favor of the variance; and, Elmer and Jerry Ackerman, speaking in opposition to the variance.

EXHIBITS:

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report.
- B. Letter from Elmer Ackerman and Mattie Shulich, dated 2/16/93.
- C. Photos of the street.
- D. Memorandum from Steve Osguthorpe, dated 2/22/93, with attachment.

PARTIES OF RECORD:

- Pauline and George Lovrovich
306 Rosedale Street
Gig Harbor, WA 98335
- Gary Lovrovich
8009 Dorotich Street
Gig Harbor, WA 98335
- Jack Bujacich
3607 Ross
Gig Harbor, WA 98335
- Elmer and Jerry Ackerman
7703 Chinook Avenue
Gig Harbor, WA 98335
- Mattie Shulich
7808 Chinook Avenue
Gig Harbor, WA 98335
- Dee Dee Babich
7809 Chinook Avenue
Gig Harbor, WA 98335



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

1

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Hearing Examiner
FROM: Planning Staff
DATE: February 17, 1993

RE: VAR 93-01 - Pauline & George Lovrovich -- A
requested variance from Section 16.40.130 of the
City's Short Subdivision ordinance which
requires curbs, sidewalks, and gutters for short
subdivisions.

=====
I. GENERAL INFORMATION

APPLICANT: Pauline & George Lovrovich
4306 Rosedale Street
Gig Harbor, Washington 98335

OWNER: (same)

AGENT: (n/a)

II. PROPERTY DESCRIPTION

1. Location: Chinook Avenue - assessor parcel
number 02-21-08-2-172

2. Site Area/Acreage: .670 acres

3. Natural Site Characteristics:

- i. Soil Type: Harstine
- ii. Slope: Approximately 8 to 10
percent.
- iii. Drainage: Easterly away from road
- iv. Vegetation: Heavily wooded

4. Zoning:

- i. Subject parcel: R-2 (Medium Density Residential)
 - ii. Adjacent zoning and land use:
 - North: R-2
 - South: R-2
 - East: R-2
 - West: R-2
5. Utilities/road access: The parcel is served by City water and sewer and is access off of Chinock Avenue, a city street.

III. APPLICABLE LAND-USE POLICIES/CODES

1. **Comprehensive Plan**: The comprehensive plan designates this area as low urban residential. However, the parcel is zoned for medium density residential.
2. **Zoning Ordinance**: The City's short subdivision ordinance, Section 16.40.130, states that public roads shall conform to the requirements of the City's Public Works Department and shall include the provision of sidewalks and other safe pedestrian walking areas, curbs and gutters.

Variances may be granted only if the applicant can successfully demonstrate that all of the following criteria can be met:

- A) The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.
- B) There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance.
- C) That the special circumstances and conditions do not result from the actions of the applicant.

- D) The granting of the variance will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone.
- E) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
- F) The variance is the minimum variance that will make possible the reasonable use of the land.

IV. BACKGROUND INFORMATION: George and Pauline Lovrovich applied for short plat approval to create four lots out of their .670 acre parcel on Chinook Avenue. The parcel is shallow and wide, accounting for approximately 40 percent of the street frontage on Chinook Avenue. Currently, the street is characterized by a narrow pavement with heavy vegetation coming near the pavement edge on the east side, and houses and apartments on the west side. The area has a somewhat casual character, having no sidewalks or defined pavement edges. However, the short subdivision ordinance requires that public roads shall conform to the requirements of the City's Public Works Department, and shall also include the provision for sidewalks and other safe pedestrian walking areas, including curbs and gutters. Accordingly, the Public Works Director has informed the Lovrovich's that curbs, gutters and sidewalks will be required as a condition of short plat approval.

V. REQUEST/PROJECT DESCRIPTION:

The Lovrovichs are requesting a variance from the short subdivision's requirement for curbs, gutters, and sidewalks and have submitted the following statement in response to the variance criteria outlined in Section 17.66 of the Gig Harbor zoning code:

We are applying for a variance from the attachment I of conditions of final plat approval - Article 4 - Sidewalks, Curbs & Gutters. Under ordinance #16.40.180, we feel we meet all the requirements under (the) Section:

(A) The variance does not constitute a grant of special privilege because there are no sidewalks in the area now.

(B) There are special circumstances applicable to the property and the regulation would deprive the property of rights and privileges enjoyed by other property in the vicinity.

(C) Granting of the variance would not bother anyone in any way.

(D) The variance is necessary in order to have a front yard similar to existing property.

(E) Granting of the variance will not compromise the goals of the City's Comprehensive plan or be inconsistent with other City land use ordinances.

Please take into consideration the width of the road fronting this property (Chinook Avenue)

- VI. PUBLIC NOTICE: The property was posted, notice was published in the Gateway, and notice was sent to property owners within 300 feet. As of February 9, 1993, no formal input has been received. However, the Staff has received inquiries by a concerned individual who stated that he will give his input during the public hearing.
- VII. ANALYSIS: There are a number of streets in Gig Harbor which currently have no curbs, gutters, or sidewalks and the City is actively attempting to remedy this situation by incorporating sidewalks into all new development proposals and street improvements. Recent sidewalk improvements along Soundview, Harborview, and Pioneer Drive have resulted in a marked increase in the number of pedestrian activity, which indicates that sidewalks will be used if they are provided.

The applicants are correct in stating that there are no other sidewalks on Chinook Avenue. However, the Lovrovich's property accounts for a significant portion of Chinook Avenue's eastern frontage and to not require curbs, gutters, and sidewalks here would mean a significant hindrance to this effort. Moreover, the applicant's pending short plat will result in four additional single family lots, each fronting on Chinook Avenue, which will increase pedestrian activity on this street.

Additional Staff and/or agency comments are as follows:

1. Building Official: (no additional comments)
2. Public Works: (no additional comments)
3. SEPA Responsible Official: The SEPA Responsible Official has determined that this application is exempt from SEPA review as per WAC 197-11-800-6 (b).

VIII. FINDINGS AND CONCLUSIONS

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds as follows:

- A) The proposed variance will not amount to a rezone nor authorize any use not allowed in the district as it does not affect the allowed use of the property.
- B) There are no special conditions or circumstances applicable to the property such as size, shape, topography or location, which are not common to other parcels in the same district and the literal interpretation of the provisions of City ordinances will not deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of City ordinances.
- C) The special circumstances and conditions stated by the applicant (i.e., that other properties on Chinook do not have curbs, gutters, and sidewalks), are the result of there being no requirement for such improvements at the time of their development. Increased development activity in Gig Harbor has increased the need for street and sidewalk improvements.
- D) The granting of the variance will constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and zone, as any similar proposal in this area must conform to the same requirements.
- E) The granting of the variance may be materially detrimental to the public

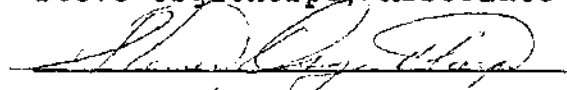
welfare by not providing safe walkways for increased pedestrian activity generated by the pending short plat

- F) The variance is not the minimum variance that will make possible the reasonable use of the land as the requirement for curbs, gutters, and sidewalks does not adversely affect the owner's ability to develop the land.

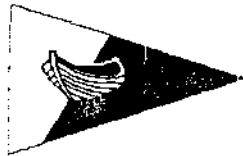
IX. RECOMMENDATION

Based upon the above findings and conclusion, the Staff recommends that the Hearing Examiner deny the requested variance from the curbs, gutters, and sidewalks requirement.

Project Planner: Steve Osguthorpe, Associate Planner



Date: February 10, 1993



City of Gig Harbor. The "Maritime City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

MEMORANDUM

TO: Ron McConnell, Hearing Examiner
CC: Pauline & George Lovrovich
FROM: *SO* Steve Csguthorpe, Associate Planner
DATE: February 22, 1993
RE: VAR 93-01 -- Lovrovich - Request for variance from curbs, gutters and sidewalk requirement

=====

I have done further research into the Lovrovich short plat variance request to determine if the provision of curbs, gutters, and sidewalks is indeed a new requirement for short plat approval. It appears that there have been some code changes on this issue, but the changes have more to do with administrative procedures than with required improvements. The code in effect at the time of the Lovrovichs' original application stated that, "curbs, sidewalks, gutters, pavement and storm drainage facilities may be required at the discretion of the planning commission and the town council to prevent storm water erosion and damage, unless such requirement is waived by the town council." However, the Lovrovichs' application was processed administratively because the review of short plats is an administrative function (per RCW 58.17.060) and would be appealed to the hearing examiner rather than the city council.

The Lovrovichs' original short plat application was approved on July 11, 1990, subject, in part, to the condition that curbs, gutters, and sidewalks be installed prior to final plat approval. The approval notice stated that the administrator's action may be appealed to the hearing examiner within fourteen days of the decision date. No appeal was received.

In October 1992, a final plat was submitted by the Lovrovichs for approval. Notice was sent to the Lovrovichs that the plat was conditioned upon the installation of curbs, gutters, and sidewalks prior to plat approval. It was at that time - over two years after the preliminary approval date - that the Lovrovichs decided to appeal the decision.

City Attorney Wayne Tanaka was apprised of the issue and it

was his opinion that the applicants could seek redress only if another application for short subdivision approval was submitted and an appeal filed before the hearing examiner. The Lovrovichs were informed of Mr. Tanaka's decision but nonetheless requested the City Council's consideration of the issue. The Council followed Mr. Tanaka's advice and took no action on the matter. The Lovrovichs have therefore reapplied for short plat approval in conjunction with the current request for a variance from the curb, gutter and sidewalk requirement.

In short, the requirement for curbs, gutters, and sidewalks has remained essentially the same since the Lovrovich's initial short plat application. The Lovrovichs' appeal of that requirement was not submitted until two years after preliminary approval was given. This is therefore a new application which should be reviewed under current code requirements.

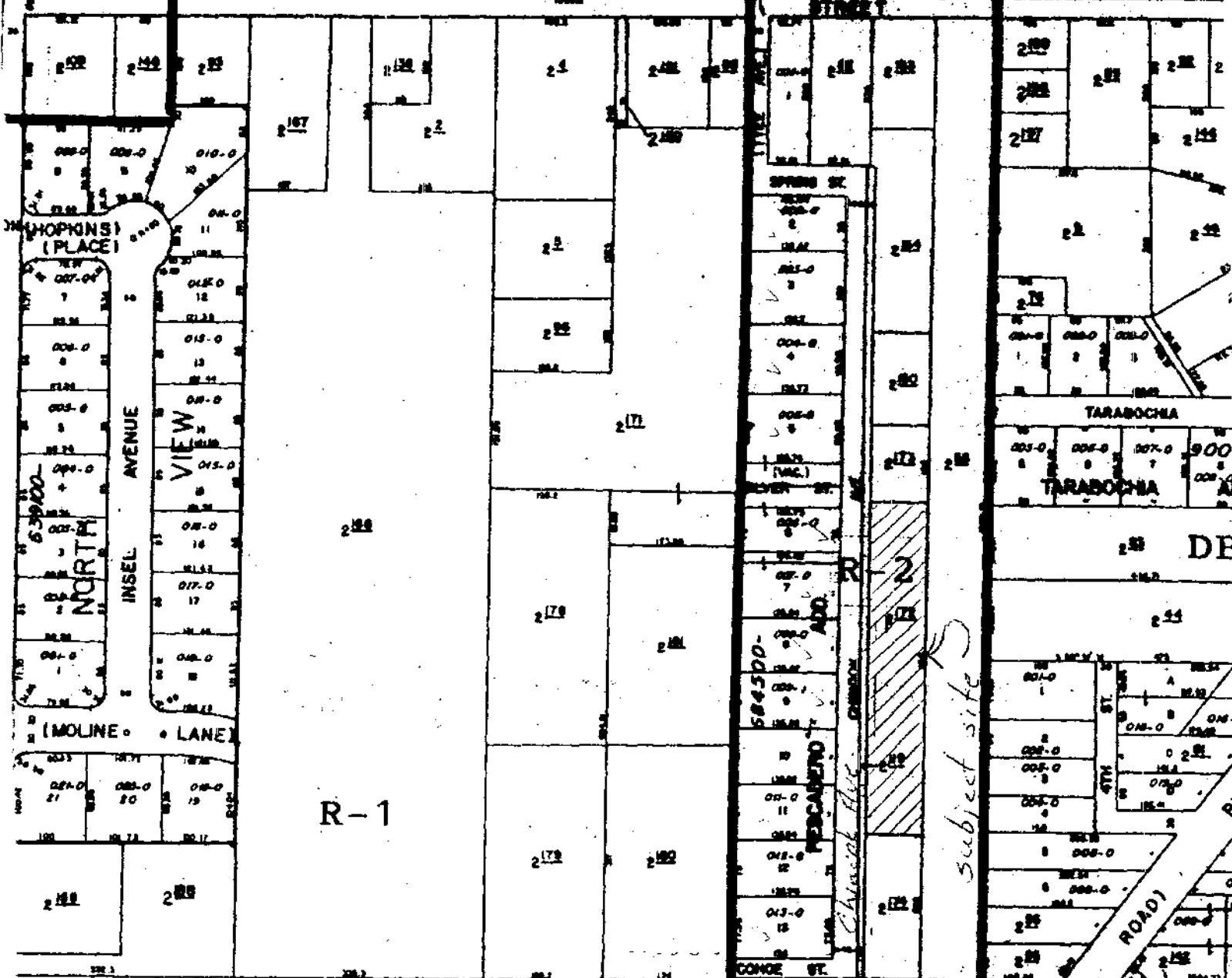
Enclosures

B-1

R-1

Rosedale Street

CARR'S INLET ONE HARBOR ROSDALE CO.



R-1

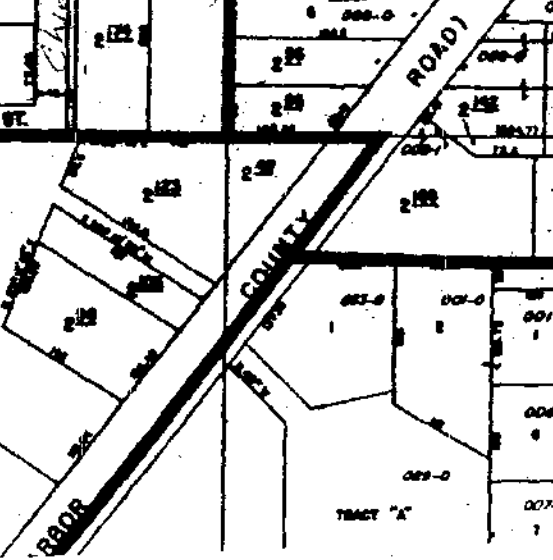
subject site

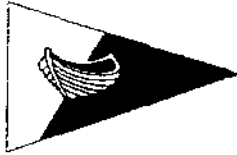
SHORT PLAT

86-05-29-0337

L-4 617

L-3 618





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GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL

FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*

RE: HUNT STREET RETAINING WALL

DATE: APRIL 8, 1993

We need to build approximately 2,050 sq. ft. of retaining wall on the south side of Hunt Street. We did not include construction of that retaining wall within our Soundview Drive Project because of the high unit bid price of \$9.75 per sq. ft., for a total cost to the city of approximately \$20,000. The Soundview Drive contractor was allowed to build retaining walls to the extent that contract quantities allowed.

For Hunt Street, we primarily looked into three types of wall: Concrete, rock and brick. The following is a summary of our findings:

Type of Retaining Wall	Cost
Concrete	\$ 7,742
Rock (Contractor)	12,166
Rock (Public Works Crew)	
Mechanical	4,563
Labor	2,400
Equipment	1,200
Miscellaneous	500
Total	8,663
Keystone Brick	16,000

The concrete retaining wall appears to be the least expensive option. However, we are concerned about the visual look of the wall. We think that a rock wall will be more aesthetically desirable and, in addition, will be consistent with the other retaining walls in the area of Hunt Street which were constructed with rock.

RECOMMENDATION

I recommend the City Council authorize the Public Works Director to build a rock retaining wall with the City Public Works crew and spend up to \$8,663 to complete the job.

CITY OF GIG HARBOR

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
AMENDING CHAPTER 3.40 OF THE GIG HARBOR MUNICIPAL CODE TO
ESTABLISH ENGINEERING PLAN REVIEW AND INSPECTION FEES FOR
LAND USE DEVELOPMENT APPLICATIONS AND PERMITS.**

WHEREAS, the City of Gig Harbor has adopted application fees for various land use development permits and building inspection fees necessary to insure adherence to municipal and state regulations, and

WHEREAS, no fees are currently in effect for engineering reviews in conjunction with land use applications including annexations, encroachment permits, rezones, conditional uses, variances, subdivisions, short plats, shoreline management permits, and utility extension requests, and

WHEREAS, it is necessary to establish fees for engineering review for the purpose of defraying the costs incidental to the proceedings, and

WHEREAS, the city currently charges for construction inspection services and these fees are determined on a job-by-job basis, based on an estimate of inspector hours at an hourly rate, and

WHEREAS, in order to insure uniformity in charges, and to be more administratively efficient, a flat fee for construction inspections will be imposed; such fees will be based on certain parameters relating to the size of the project,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** as follows:

Chapter 3.40
Land Use Development Application Fee Schedule

is hereby amended as follows:

Section 3.40.020 **Advertising**, is retitled **Section 3.40.030**

Section 3.40.020 **Engineering Review/Construction Inspection Fees.**
The engineering review and construction inspection fees are hereby established:

ENGINEERING PLAN REVIEW

Water	\$100/1st 150' + \$.19/LF thereafter
Sewer	\$100/1st 150' + \$.19/LF thereafter
Street or Street w/curb, gutter & sidewalk	\$100/1st 150' + \$.25/LF thereafter
Curb, gutter & sidewalk only	\$100/1st 150' + \$.25/LF thereafter
Storm Retention & Detention Facilities	\$75 1st/CB + \$10/Add CB \$100
Lighting	\$80 + \$5/pole
Signals	\$340/Intersection
Right-Of-Way Access	\$25
Resubmittal	\$25/Hour for 3rd submittal (1 hr/min)

INSPECTION

Water	\$180/1st 150' + \$100/LF thereafter
Sewer	\$180/1st 150' + \$100/LF thereafter
Sewer - Step System (Residence)	\$130/unit
Street	\$180/1st 150' + \$.75/LF thereafter
Curb, Gutter & Sidewalk	\$180/1st 150' + \$.75/LF thereafter
Storm	\$90 ea/retn-detn area + \$.38/LF pipe
Lighting	\$90 + \$10/pole
Signals	\$700/intersection
Right-of-Way Access	
Overhead	\$200/1st 150' + \$.05/LF thereafter
Underground	\$200/1st 150' + \$.10/LF thereafter

Gretchen Wilbert, Mayor

ATTEST:

Mark Hoppen, City Administrator/Clerk



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: TOM ENLOW *Tom Enlow*
DATE: APRIL 8, 1993
SUBJECT: 1993 BUDGET AMENDMENT

Pursuant to a February 1992 agreement, the City will make street and sidewalk improvements on the north side of Dorotich Streement for approximately \$15,000. We will be collecting \$15,000 from Mr. Robert Ellsworth to complete the street improvements.

A budget amendment authorizing these expenditures is necessary because they were not included in the original 1993 budget.

A contractor is preparing to make similar street improvements to the south side of Dorotich at this time, as part of the Dorotich Marina Project. This would be the best time to improve both sides of the street.

CITY OF GIG HARBOR

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 1993 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1993 annual appropriations are necessary to conduct city business not anticipated in the adopted budget,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** as follows:

Section 1. The annual appropriations for revenues and expenditures in Fund 101, Street Operating Fund, shall be increased by \$15,000 from \$800,464 to \$815,464.

Section 2. This ordinance shall be in force and take effect five(5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of April, 1993.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark Hoppen
City Administrator/Clerk

Filed with city clerk: April 7, 1992
Passed by the city council:
Date published:
Date effective:



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 1025 E. Union, P.O. Box 43075
Olympia, WA 98504-3075

TO: MAYOR OF GIG HARBOR

RECEIVED

DATE: 3/22/93

MAR 25 1993

RE: NEW APPLICATION

CITY OF GIG HARBOR

License: 365485 - 2A County: 27
Tradename: GIG HARBOR TEXACO
Loc Addr: 7101 PIONEER WAY
GIG HARBOR WA 98335

APPLICANTS:
GRANITE SERVICE, INC.
STONE, CHARLES JOSEPH 07-15-52 535-52-8072
STONE, EDWARD LEE 10-08-57 538-62-8730

Mail Addr: PO BOX 1490
GIG HARBOR WA 98335

Phone No.: 206-851-2102 CHARLES JOSEPH STONE

Classes Applied For:

- E Beer by bottle or package - off premises
- F Wine by bottle or package - off premises

Notice is given that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS(10 days notice given for Class I) from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required please advise.

- 1. Do you approve of applicant ? YES NO
- 2. Do you approve of location ? YES NO
- 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken ?

OPTIONAL CHECK LIST:	EXPLANATION	YES	NO
LAW ENFORCEMENT		<input type="checkbox"/>	<input type="checkbox"/>
HEALTH & SANITATION		<input type="checkbox"/>	<input type="checkbox"/>
PIRE, BUILDING, ZONING		<input type="checkbox"/>	<input type="checkbox"/>
OTHER		<input type="checkbox"/>	<input type="checkbox"/>

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



DENNIS RICHARDS
Chief of Police

City of Gig Harbor Police Dept.
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-2236

MONTHLY POLICE ACTIVITY REPORT

MARCH

DATE: 04-01-93

	<u>MAR</u> <u>1993</u>	<u>YTD</u> <u>1993</u>	<u>YTD</u> <u>1992</u>	<u>%CHG TO</u> <u>1992</u>
CALLS FOR SERVICE	<u>212</u>	<u>708</u>	<u>689</u>	<u>+ 3</u>
CRIMINAL TRAFFIC	<u>16</u>	<u>87</u>	<u>61</u>	<u>+ 43</u>
TRAFFIC INFRACOCTIONS	<u>44</u>	<u>179</u>	<u>297</u>	<u>- 39</u>
DWI ARRESTS	<u>6</u>	<u>14</u>	<u>9</u>	<u>+ 55</u>
FELONY ARRESTS	<u>6</u>	<u>15</u>	<u>18</u>	<u>- 16</u>
MISDEMEANOR ARRESTS	<u>9</u>	<u>32</u>	<u>44</u>	<u>- 27</u>
WARRANT ARRESTS	<u>5</u>	<u>30</u>	<u>18</u>	<u>+ 66</u>
INCIDENT REPORTS	<u>61</u>	<u>187</u>	<u>189</u>	<u>- 1</u>

MAYOR'S REPORT
To the City Council
April 12, 1993

UPDATING HISTORIC ELEMENT IN COMPREHENSIVE PLAN

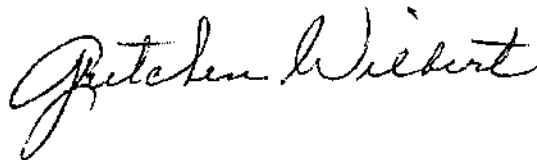
The City of Gig Harbor Planning Department is charged with the responsibility of updating our 1986 Comprehensive Plan to meet the criteria set forth in the Growth Management Act and the adopted County Planning Policy. This is the first step in the process.

On Wednesday, April 14th, at 1:30 p.m. in the City Hall Conference Room, a few local citizens will gather to hear a presentation from Mike Cooley and Airyang Pak of the Pierce County Community Development Planning Department, and our own Linda Clifford, a commissioner on the Tacoma/Pierce County Landmarks Commission.

The team will share with us options available to the community for recognition, restoration and preservation of the Gig Harbor Community's rich cultural heritage.

I have attached our existing historical design policy and the county element requirement for your review. Also, comments from former councilmember, Wade Perrow, addressing the same subject, will be included.

History and design must be coordinated.
Steve Osguthorpe, Associate Planner, has been designated by the city to assist in the draft of a document to update this element in our comprehensive plan. The public is encouraged to attend.



COUNTY-WIDE PLANNING POLICY ON HISTORIC, ARCHAEOLOGICAL AND CULTURAL PRESERVATION

■ **Background - Requirements of Growth Management Act**

The Washington Growth Management Act identifies as a planning goal to guide the development and adoption of comprehensive plans and development regulations, that counties and cities identify and encourage the preservation of lands, sites and structures, that have historical or archaeological significance. [RCW 36.70A.020(13)]. The term "significance" is not defined, although it is well-recognized that the federal and state governments have programs that have been in operation for some time by which land, sites, structures and districts of national significance are/or may be placed on the National Register of Historic Places and land, sites and structures of state significance are/or may be placed on the State Register of Historic Places. Certain cities, including Tacoma, have adopted local programs to designate land, sites and structures of local significance. Although the Growth Management Act Amendments do not require a county-wide planning policy on historic, archaeological and cultural preservation, that requirement was added by the Interlocal Agreement: Framework Agreement for the Adoption of the County-Wide Planning Policy (Pierce County Council Resolution No. R91-172, September 24, 1991).

■ **County-Wide Planning Policy**

1. The County, and each municipality in the County, utilizing applicable federal, state and local designations, if relevant, (and where appropriate in cooperation with the Indian tribes) shall identify the presence of federal, state and local historic, archaeological and cultural lands, sites and structures, of significance within their boundaries.
2. The County, and each municipality in the County may, utilizing County standards or locally-developed standards, identify and designate local historic, archaeological and cultural lands, sites and structures of significance within their boundaries.
 - 2.1 Recommendations for local designations may be made by any person or entity or by any municipality or governmental body.
 - 2.2 The municipality may designate an individual, commission or committee to be responsible for review of recommendations and to forward such recommendations to the legislative body.
 - 2.3 Designations shall only be made by the local legislative body if the land, site or structure has only local significance.

- 2.4 All such designations shall be reflected in the land use element of the comprehensive plan.
- 2.5 Any municipality may request that the County's Landmark's Commission and/or staff provide assistance in designating land, sites or structures; if sought, such assistance may be provided pursuant to an interlocal agreement.
- 2.6 Preservation of significant lands, sites and structures shall be encouraged or accomplished by the County, and each municipality in the County, through any one or a combination of the following techniques, as determined to be appropriate by the local legislative body:
- 2.6.1 designation
 - 2.6.2 incentives for preservation
 - 2.6.3 loans and grants
 - 2.6.4 public purchase
 - 2.6.5 non-development easement
 - 2.6.6 development rights transfer
 - 2.6.7 restrictive covenants
 - 2.6.8 regulations for protection, maintenance and appropriate development
 - 2.6.9 plans/policies/standards for preservation (U.S. Department of the Interior)
- 2.7 The County, and each municipality in the County, may utilize one or more of the following criteria, or others as may be determined, to make designation decisions for recommended lands, sites or structures:
- 2.7.1 archaeological, historic or cultural "significance"
 - 2.7.2 condition
 - 2.7.3 uniqueness
 - 2.7.4 accessibility
 - 2.7.5 cost/benefit
 - 2.7.6 extent to which land, site or structure is undisturbed
 - 2.7.7 presence of incompatible land uses or activities
 - 2.7.8 presence of environmental, health or safety hazards
 - 2.7.9 tourism potential
 - 2.7.10 educational value
 - 2.7.11 consent of owner

2.8 The legislative body of the County, and each municipality in the County, may utilize one or more of the following criteria, or others as may be determined, to make a dedesignation decision:

- 2.8.1 error in historical/archaeological/cultural research for the original designation
- 2.8.2 economic hardship for owner leaving no reasonable use of the land, site or structure
- 2.8.3 deterioration of lands, site or structure
- 2.8.4 discovery of other (better) examples of lands, sites or structures
- 2.8.5 presence of land, site or structure on state or federal registers.

3. The County, and each municipality in the County, shall encourage public education programs regarding historic, archaeological and cultural lands, sites and structures as a means of raising public awareness of the value of maintaining those resources.

Design Resources

Existing urban design conditions are described in the Aesthetics, Land Use and Archaeological/Historical Resource sections of the Environmental Impact Statement in Part 2 of this report. The following goals and objectives are based on an analysis of existing urban design conditions and the results of workshop planning sessions.

GOAL: PROTECT VALUABLE FEATURES OF THE MANMADE ENVIRONMENT

Blend new land uses with the features and characteristics which have come to be valued from past developments of the manmade environment. Enforce exacting performance standards governing possible land use developments on lands or sites, or possible conversions of existing buildings or sites which have unique social value.

1. Historical/cultural sites

Encourage the protection of lands, buildings or other site features which are unique archaeological sites, historic areas, publicly designated landmark districts or buildings. Develop an historical plaque system identifying sites and buildings of interest in the city, particularly along the waterfront and within the older business districts. Establish special tax incentives or other financial assistance to help with historical building restoration and exhibition costs.

2. Special social or visual interest

Enforce exacting performance standards governing possible land use development or possible alteration of existing building or sites which have socially valued, interesting or unique facilities or characteristics, including visual values. Identify acceptable adaptive reuse concepts and design and/or financial incentives which can be used to help with building or site modification costs. Create a program which allows architecturally pleasing older buildings to be relocated to another, more compatible site, such as the historic residential neighborhood, when the structure can not be accommodated at its present location.

3. Scenic assets

Protect lands, natural features or related activities, including over-water structures and uses like net sheds, which provide unique landmarks in the natural landscape, especially of or from Gig Harbor. Encourage the protection of lands or sites which have unique views or vistas of natural landforms and landmarks, particularly of Gig Harbor.

4. View corridors

Develop and maintain a public sidewalk system from Gig Harbor City Park to the intersection of Soundview and Harborview Drive. Enforce exacting performance standards governing development that will establish and maintain overlooks or view points to shoreline and harbor vistas and/or views.

5. Buffer corridors

Maintain pleasing visual corridors along expressways, arterials and collectors to reflect natural beauty and a semi-rural atmosphere. Provide landscape screens, berms and other natural material or design buffers, particularly about urban commercial or industrial uses which front or are visible from adjacent residential areas or roads.

6. Open spaces

Protect lands, sites or improvements which have been held in trust for parks, conservancies, recreation or other open space preserves within the developing area. Enforce exacting performance standards governing possible alterations of existing sites which provide unique open or natural space buffers to more urban land use developments. Preserve, where possible and desirable, the open or natural space features within potential future land use developments.

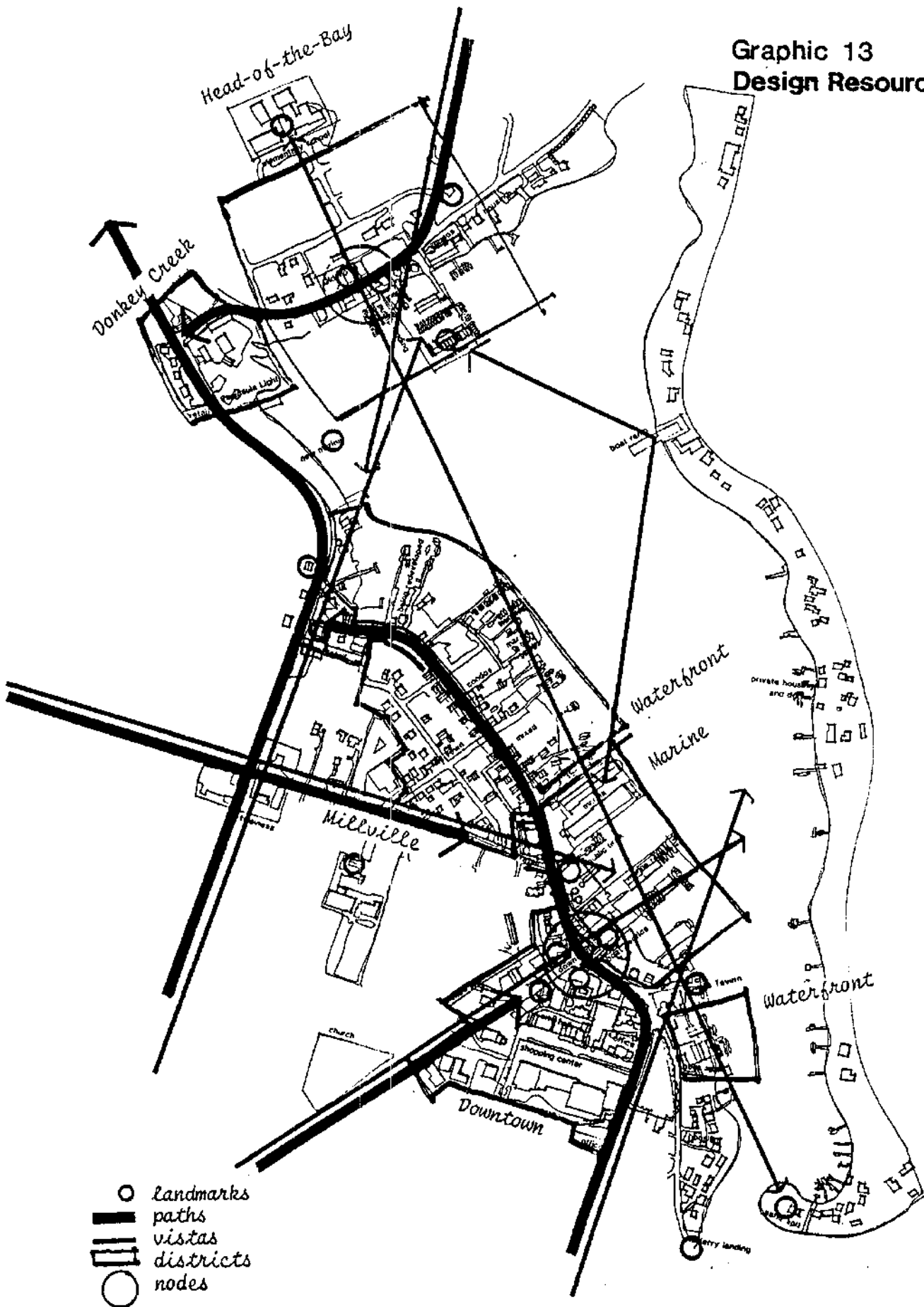
7. Master Planned lands

Protect lands, sites or facilities which have been improved for cemeteries, old military fortifications or similar public purposes. Enforce exacting performance standards governing possible developments adjacent to sites which house schools, colleges, hospitals, correctional facilities and other institutional activities which may be sensitive to use intrusions, and which provide a special physical place within the developed area.

GOAL: CREATE VISUAL INTEREST

Create local visual identities and interests, retain natural landscape features, and generally develop a quality urban environment.

**Graphic 13
Design Resources**



8. Visual identity

Create special identities for unique districts or places within the planning area, particularly of the waterfront, downtown, old town business district and historic residential neighborhood. Work with property owners to establish standards coordinating informational and advertisement signing, street trees, landscape materials, streetscape furnishings, if appropriate, building materials or styles, even colors, to create visual images which organize the disparate elements of the special districts into cohesive, pleasing identities.

9. Landscape

Retain as much of the natural landscape as possible in land development projects, including existing trees, site contours, natural drainage features and other characteristics. Enforce replanting schemes and landscaping requirements, particularly along buffer or dividing zones with different uses, major arterial roads or freeways, and within parking lots and other improved areas.

10. Architectural quality

Where appropriate, and when property owners desire, establish special overlay zones providing an architectural design review process. Provide illustrations of preferred concepts, solutions, materials, styles and other particulars affecting quality architectural solutions.

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FEB 27 1986



COB THOMAS
Director

STATE OF WASHINGTON

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

111 West Twenty-First Avenue, KL-11 • Olympia, Washington 98504-5411 • (206) 753-4011

February 26, 1986

Mr. Don Orr
City of Gig Harbor
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98335

Log Reference: 736-C-PI-03
Re: Gig Harbor Comprehensive Plan
& Impact Statement

Dear Mr. Orr:

Thank you for allowing us to review the Comprehensive Plan and Environmental Impact Statement for Gig Harbor. We are pleased to note that the plan identifies the protection of historic districts, buildings, and archaeological sites as an important goal.

As you probably know, a cultural resource inventory conducted by the Pierce County Department of Planning in 1982 identified several dozen Gig Harbor properties of historical and/or architectural interest. Many others may exist which are not yet surveyed. Some of these properties may be eligible for designation as a local landmark or for listing in the State or National Register of Historic Places. In addition, the downtown commercial area and historic waterfront may contain a potential historic district.

If you have questions about the historic survey or local landmarks, contact Caroline Gallacci, Office of Community Development, 2401 South 35th Street, Tacoma, WA 98409. If you have any questions regarding the National Register program, please call me at (206) 586-2901.

Sincerely,

Leonard T. Garfield

Leonard T. Garfield
Architectural Historian

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RECEIVED
APR 6 1993
CITY OF GIG HARBOR

GRETHER,
THE ARCHITECTS
Thoughts on
Design Review.
We do need it
Wade
4/3/93

Dictating Design

As control of architectural design by public design review boards becomes commonplace, the judging process must be clarified through more flexible guidelines.

For the past two decades, the American public has been extending its fight against bad air and dirty water to the preservation of the nation's historic buildings and urban districts. Legally mandated design review, empowered by state constitutions or city charters, is one of the most effective strategies by which a community can accomplish these goals. Design review is typically conducted by preservation, planning, or arts boards or commissions, whose members are appointed by mayors or city councils. The size, makeup, and members' tenure of these bodies vary widely across the nation. Some appointed boards include retired architects who are still active in community life. (Most architects engaged in active practice decline to serve because of potential conflicts of interest.) Such commissions or boards may also include landscape architects, lawyers, developers, architectural historians, preservationists, and laypersons.

Design guidelines

Design review tends to be discretionary, allowing a review board to apply a fairly broad and flexible set of criteria (including such open-ended concepts as "context" and "appropriateness") in making its judgments. Increasing use, however, is being made of architectural or historic preservation design guidelines. Such guidelines coexist with, but are usually not a part of, zoning regulations. Where zoning determines building uses, heights, and bulk in a given district, guidelines for a historic landmark neighborhood within the district govern such matters as appropriate height and massing for a new structure or addition, based on the architectural and historic context. Such guidelines may include mandatory floor-to-floor heights, a specified number of stories, and replication of existing ornament. They often call for specific color palettes, building materials, and window and door types.

Once formulated, such guidelines usually have no separate legal sanction and can only carry the force of law if they are part of a zoning ordinance. Guidelines may, however, hold the equivalent of legal force. For example, when a city owns public land and transfers it to a developer, it can impose guidelines written into the deed, or as part of the agreement that accompanies the sale. Or a town or

city can establish a special zoning district, in which guidelines and regulations supersede those of the zoning ordinance. By setting forth a design language to be shared by all parties involved in design review, guidelines are intended to make the process less arbitrary and subjective on the part of the reviewers, and thereby more fair to architects and developers seeking approvals. Whatever the merits and demerits of guidelines, combining them with review is gradually becoming more widespread. And across the United States, design review, with or without guidelines, is being increasingly imposed on not only historic buildings and districts but on ordinary development projects.

Design review conference

Professors Brenda C. Lightner and Wolfgang F. E. Preiser of the University of Cincinnati's School of Planning are engaged in a major study of the interrelationships between design review and design guidelines; they conducted an international symposium on the subject in Cincinnati last October. Design professionals and preservationists from the U.S., Germany, Great Britain, Australia, Switzerland, Denmark, India, and South Africa presented their own local design guideline strategies, ranging from the regulation of renewal in historic neighborhoods to the preservation of entire towns.

For all its public and professional support, design review is not popular among architects whose schemes are subjected to it. Lightner charges that "design review rewards ordinary performance and discourages extraordinary performance. Designers adhere to the range of acceptability held by particular reviewers, and therefore rarely waste their clients' time proposing something original or exceptional." Review board or commission members are rightly accused, she contends, of applying highly subjective and arbitrary esthetic criteria in a manner that exceeds their mandate. When this occurs, architects are without bargaining power, and have little recourse but to accept the changes design reviewers impose, largely because it is in their clients' interest to get through the review process quickly. Lightner reports that a survey she and Preiser recently conducted reveals that many architects find design review an inordinate and uncon-

NOT
GUSD
I Agree

scionable waste of time, requiring revisions at the behest of capricious, ill-informed, politically appointed laypersons, along with professionals biased against the architect's particular style.

Survey results

Of the 170 firms that responded to survey, more than half reported that between 50 percent and 100 percent of their projects undergo design review. To achieve approvals, architects report that they must frequently alter materials, colors, and landscape design. They are less frequently required to make changes in massing or facade details. Overall, 25 percent of the respondents believe their designs to be strongly influenced by design review, while 55 percent think their work is somewhat influenced. Less than 23 percent believe their projects are substantially improved by design review, while 30 percent report that design review does not significantly affect the quality of their work. An unhappy 9.7 percent believe their work is weakened by the process. Although 25.2 percent of the respondents find design review petty, meddling, and useless, 15.1 percent find it time-consuming but worth it. Only 3.1 percent admit that design review has helped them do a better job.

Stylistic favoritism

A famous case in point is the AIA's 1967 decision to expand its national headquarters in Washington from the Octagon, a historic 18th-century house protected by the Washington Fine Arts Commission, to a new building. The AIA held a competition, and Mitchell/Giurgola Architects won. The winning design, while too early to be considered Postmodern, was a radical break from the Modernist canon. The Fine Arts Commission, strongly influenced by its most powerful member, Modernist Gordon Bunshaft of Skidmore, Owings & Merrill, turned it down. Mitchell/Giurgola's subsequent revisions were also rejected, and the firm finally gave up and resigned. The Architects Collaborative was chosen and produced a Modernist design that met commission approval. In this instance, the Fine Arts Commission imposed a highly dubious esthetic judgment favoring one stylistic approach over another, and disregarded the rejected proposal's intrinsic merit. Such travesties of design review continue to be an unfortunate part of the process, most of the time without architectural stars as players.

Nevertheless, design review, along with some form of guidelines, appears to be here to stay. Among its applications, the process is best suited to historic districts. Historic preservation has a defensible ethic, since older landmarks and districts are fragile and need protection. They are a valuable resource. What is built in them, or in their vicinity, should be publicly discussed and controlled. Furthermore, historic preservation has its own history

and established practice, with methodologies developed over the years by the National Trust for Historic Preservation, the World Monuments Fund, the Venice Charter, and the Department of the Interior, as well as by local laws and guidelines.

But the general dissatisfaction expressed by so many of the Cincinnati conference participants suggests that further study and refinement of the design review process is overdue. More and more cities and towns in the United States will be setting up legally mandated design review boards. However, because design guidelines cramp their discretion, it is unlikely that these new boards will be excessively encumbered by them. The lack of guidelines is tough on architects and owners because it leaves them in the dark as to how to get their projects approved, and forces them to rely substantially upon the often inconsistent verbal critiques they receive during the review process.

Recommendations for design review

Guidelines properly belong in zoning ordinances, but zoning, unfortunately, is devised by lawyers, rather than by architects or urban designers. Zoning governs use, density, bulk, setbacks, and other mathematical concerns, but cannot regulate the layer of urban design that must be in place before good architecture can occur, the layer that distinguishes the public from the private—walls, fences, concerns of light, shadow, and open space. Zoning is abstract, architecture is visceral. Zoning ordinances without adequate urban design modifications written into them produce a blank box. Architecture can only put a facade on the box. Then the public, if negatively aroused by the project's size and bulk, or even by its style, brings pressure to bear on the design review board to reject it, and the board usually obliges on the grounds of lack of "appropriateness."

It is clear, then, that some form of guidelines must be incorporated into the design review process. Design review without guidelines will never bring about the successful public environments to which citizens have a right. On the other hand, if design review responds to guidelines that become so specific as to deny all invention, and call for the architect to conform to the average of the average, the public will never get buildings or places that are wonderful deviations from the commonplace. New York City, for example, would have no Guggenheim Museum, no Chrysler Building, no Whitney Museum, no Empire State Building. Furthermore, design review boards, in their discretion, should not defer to citizen activists every time. Sometimes, in their conservatism, preservationists are wrong. After all, the Eiffel Tower was built in spite of the Parisians, who at the time it was proposed, hated it with all their hearts.

—Mildred F. Schmeitz

Why we need something

What's your opinion? Please send your views on social, political, and practice issues to:

ARCHITECTURE

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